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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09 - 01195 JF
	)	
Plaintiff,	)	STIPULATION AND
	)	<del>[PROPOSED]</del> ORDER
v.	)	
	)	
RODNEY HATFIELD, et al.,	)	
	)	
Defendants.	)	

WHEREAS, the government has produced in excess of 30,000 pages of discovery to counsel for the defendants, and where the discovery includes financial records, trading records, and emails, such that the matter is considered complex under 18 U.S.C. § 3161(h)(8)(B)(ii);

WHEREAS, counsel for the defendants need sufficient time to review the discovery, in order to effectively prepare for the defense of this matter, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, the court reset this matter from Thursday, February 17, 2011 until Thursday, February 24, 2011, a date on which counsel for defendant Rodney Hatfield is currently preparing for and will shortly be representing another client in another matter in the California Superior Court, such that the need for a continuance based on continuity of defense counsel also exists,

1 pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

2 WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this  
3 matter is appropriate given the and the need for effective preparation of counsel and where the  
4 next available date where all counsel are available is April 7, 2011, such that there is a need for a  
5 continuance to such date based on continuity of counsel, pursuant to 18 U.S.C. §  
6 3161(h)(7)(B)(iv);

7 THEREFORE, the parties mutually and jointly stipulate that the matter should be  
8 continued, based on the complexity of this case, the need for effective preparation of counsel, and  
9 the need for continuity of counsel, and the parties jointly request that the Court continue the  
10 matter until **Thursday, April 7, 2011, at 9:00 a.m.**

11 The parties agree that continuing the case until April 7, 2011, is necessary, given the  
12 complexity of the case, the need for defense counsel to review and analyze a large amount of  
13 discovery, and the need to maintain continuity of counsel. The parties also agree that failing to  
14 grant a continuance would deny counsel for the defense the reasonable time necessary for  
15 effective preparation and continuity of counsel, taking into account the exercise of due diligence.  
16 See 18 U.S.C. § 3161(h)(7)(B)(iv).

17 The parties also agree, and the Court has found previously, that the case involves  
18 government allegations of a complicated fraud scheme with substantial evidence, both paper and  
19 electronic, and that thus “the case is so unusual or so complex, due to . . . the nature of the  
20 prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect  
21 adequate preparation for pretrial proceedings or for the trial itself within the time limits  
22 established” by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(7)(ii).

23 Finally, the parties agree that the ends of justice served by excluding time from February  
24 17, 2011, until April 7, 2011, outweigh the best interest of the public and the defendant in a

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1 speedy trial. Id. § 3161(h)(A).

2  
3 **STIPULATED:**

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5  
6 DATED: February 22, 2011

/s/  
GEOFFREY A. BRAUN  
Attorney for RODNEY HATFIELD

7  
8 DATED: February 22, 2011

/s/  
VARELL L. FULLER  
Assistant Federal Public Defender  
Attorney for LLOYD MYERS

9  
10  
11 DATED: February 22, 2011

/s/  
TIMOTHY J. LUCEY  
Assistant United States Attorney

12  
13  
14  
15 **ORDER**

16 For good cause shown, the Court continues the matter until **Thursday, April 7, 2011, at**  
17 **9:00 a.m.**

18 The Court enters this order excluding time from February 17, 2011, up to and including  
19 April 7, 2011. Specifically, the parties agree, and the Court finds and holds that such that time  
20 should be excluded until April 7, 2011, and furthermore that failing to grant a continuance until  
21 April 7, 2011, would unreasonably deny the defendant continuity of counsel, and also would  
22 deny defense counsel the reasonable time necessary for effective preparation, taking into account  
23 the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

24 The parties also agree, and the Court finds and holds, that the case involves government  
25 allegations of a complicated fraud scheme with substantial evidence, both paper and electronic,  
26 and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or  
27 the existence of novel questions of fact or law, that it is unreasonable to expect adequate  
28 preparation for pretrial proceedings or for the trial itself within the time limits established” by the

Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

Finally, the parties agree, and the Court finds and holds, that the ends of justice served by excluding time from February 17, 2011, through April 7, 2011, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(A).

**IT IS SO ORDERED.**

**DATED:** 2/23/11

  
**HON. JEREMY FOGEL**  
**United States District Judge**